

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his )  
capacity as ATTORNEY GENERAL )  
OF THE STATE OF OKLAHOMA and )  
OKLAHOMA SECRETARY OF THE )  
ENVIRONMENT C. MILES TOLBERT, )  
in his capacity as the )  
TRUSTEE FOR NATURAL RESOURCES )  
FOR THE STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al, )

Defendants. )

-----  
THE VIDEOTAPED DEPOSITION OF  
DAN HENDERSON, produced as a witness on behalf of  
the Plaintiff in the above styled and numbered  
cause, taken on the 5th day of June, 2008, in the  
City of Tulsa, County of Tulsa, State of Oklahoma,  
before me, Lisa A. Steinmeyer, a Certified Shorthand  
Reporter, duly certified under and by virtue of the  
laws of the State of Oklahoma.

1     **A**       Yes, we should have had that.

2     **Q**       What would have been the nature of those  
3     records?

4     **A**       It would just have been grower lists with  
5     their addresses and physical locations on it. 09:23AM

6     **Q**       If you recall, did the Peterson contract with  
7     its growers at that time have any provisions  
8     relating to the handling of the litter?

9     **A**       I don't believe so.

10    **Q**       Was a provision ever inserted to provide that 09:23AM  
11    the growers were to -- were to be given the  
12    ownership of the litter?

13    **A**       Not to my knowledge. It was always just that  
14    way forever.

15    **Q**       That it was just understood that that -- 09:24AM

16    **A**       The growers owned the litter, yes.

17    **Q**       Is that also true with the mortalities, with  
18    the dead birds?

19    **A**       The growers were responsible for disposing of  
20    the dead birds in a proper manner. 09:24AM

21    **Q**       And if you recall, was that specifically set  
22    out in the contracts at the time that --

23    **A**       I think there was a provision put in there  
24    eventually, and I don't remember the time frame on  
25    that, stating that they were to do that because 09:24AM

1 there was some complaints of someone feeding the  
2 dead birds to the eagles because they like the  
3 eagles, and that kind of brought everything to  
4 light, that they weren't disposing of them quite  
5 like they should have.

09:25AM

6 Q Did -- when you had that issue, did Peterson  
7 take any steps to ensure that the dead birds were  
8 disposed of properly?

9 MS. LONGWELL: Object to form.

10 A The field service personnel were to keep an  
11 eye on that whenever they visited the farms.

09:25AM

12 Q While you were COO, did you ever hear from any  
13 of the growers that they wanted to be relieved of  
14 the responsibility of disposing of the litter?

15 A I don't believe so.

09:25AM

16 Q Now, when we use the term litter, Mr.  
17 Henderson, what do you understand that to mean?

18 A It's a mixture of the bedding that the growers  
19 put down before they put down the new flock and the  
20 droppings of the birds themselves. It's a blending  
21 of those two things.

09:26AM

22 Q Also would include some perhaps seed or some  
23 feed that falls out of the feeders?

24 A It can include that, yes.

25 Q Okay. Would there be occasions when the

09:26AM